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10/056,560	01/25/2002	Eric Saund	D/A1318 XER 2 0442	8847

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EXAMINER

CUNNINGHAM, GREGORY F

ART UNIT

PAPER NUMBER

2676

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/056,560

**Applicant(s)**

SAUND ET AL.

**Examiner**

Greg Cunningham

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-11 and 13-15 is/are rejected.
- 7) ☒ Claim(s) 8,12 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is responsive to communications of application filed //2002.
2. The disposition of the claims is as follows: claims 1-15 are pending in the application.

Claims 1 and 13 are independent claims.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 5, 9, 10, 13 and 14 are rejected under 35 U.S.C. 102(b) as being disclosed by Bagley, (EP 690415 A, a.k.a. U.S. Patent Number 5,734,761).

A. Claim 1, “An image analysis and conversion method comprising: receiving a bitmapped image; and converting the bitmapped image into structured object representations of the bitmapped image, which are editable by a structured text/graphics editor [Basic-Abstract of EP 690415 - The method of editing bit-mapped images involves defining a set of interpretations for editing sets of graphical objects which corresp with a desired characteristic such that the results of editing the graphical objects are in accordance with the desired characteristics. Each of the interpretations include one or more editing operations.

The method further involves receiving a bit-mapped representation of an image, and the user selecting one of the interpretations, selecting a set of graphical objects from the bit-mapped

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representation of the image, and selecting an editing operation for the selected interpretation. In response to the user selecting the editing operation, the graphical objects are processed in the manner defined by the editing operation such that it is in accordance with the desired characteristic.] Also US 5734761 A in [col. 2, Ins. 49-65, wherein interpretation corresponds to converting]” is disclosed [as detailed].

(Examiner’s note: analysis in preamble has no patentable weight in remaining claim.)

B. Claim 4, “The method according to claim 1 wherein the converting step includes, altering the bitmapped image into multiple alternative interpretations [col. 2, ln. 66 – col. 3, ln. 16]” is disclosed supra for claim 1 and [as detailed]. Wherein [classes] correspond to multiple “interpretations”.

C. Claim 5, “The method according to claim 4 wherein the altering of the bitmapped image into multiple alternative interpretations includes, altering the bitmapped image into informal structured object representations that are editable by the structured text/graphics editor, and altering the bitmapped image into formal structured object representations that are editable by the structured text/graphics editor” is disclosed supra for claim 4. Wherein [unordered and ordered collection of graphical objects] correspond respectively to “informal and formal structured object representations”.

D. Claim 9, “The method according to claim 1 wherein the step of converting the bitmapped image to the structured object representations includes generating multiple structured object representations of the bitmapped image, the multiple structured object representations, representing at least a first image representation having formal structured object representations, and a second image representation containing informal structured object representations” is

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disclosed supra for claims 1 and 5. Wherein [unordered and ordered collection of graphical objects] correspond respectively to “informal and formal structured object representations”.

E. Claim 10, “The method according to claim 1 wherein the editing by the structured text/graphics editor permits movement of structured object representations by at least one of, individual objects, a sub-group of all the structured objects, or as an overall group of the structured object representations [col. 1, lns. 46-54; col. 3, lns. 1-6; col. 7, lns. 32-35 and 43-44; col. 8, lns. 9-13 and 42-64; and col. 10, ln. 50 – col. 11, ln. 5]” is disclosed supra for claim 1 and [as detailed].

F. Per independent claim 13, this is directed to a system for performing the method of independent claim 1, and therefore is rejected to independent claim 1.

G. Per dependent claim 14, this is directed to a system for performing the method of dependent claim 5, and therefore is rejected to dependent claim 5.

5. Claims 2, 3 and 11 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Official Notice.

A. Claim 2, “The method according to claim 1 wherein the receiving step includes, scanning a non-electronic generated image into the bitmapped image” is disclosed supra for claim 1. Wherein [scanned image] is sufficiently broad to read on both “electronic” and “non-electronic generated image”.

In the alternative in col. 3, lns. 33-37, whereby [digital copier] employs “non-electronic generated image” in combination with Official notice is taken that the art is replete with digital copiers that “scan non-electronic generated image into bitmapped images”.

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Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply editing scanned documents disclosed by Bagley in combination with scan non-electronic generated image disclosed by Official Notice, and motivated to combine the teachings because it would copy paper documents as implied in col. 3, lines 33-37.

B. Claim 3, “The method according to claim 1 wherein the bitmapped image received in the receiving step is an originally generated electronic bitmapped image” is disclosed supra for claim one (1).

In the alternative in col. 3, lns. 33-37, whereby [digital copier] yields “originally generated electronic bitmapped image” in combination with Official notice is taken that the art is replete with digital copiers that yield “originally generated electronic bitmapped image”.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply editing scanned documents disclosed by Bagley in combination with originally generated electronic bitmapped image disclosed by Official Notice, and motivated to combine the teachings because it would produce document copies as implied in col. 3, lines 33-37.

C. Claim 11, “The method according to claim 1 wherein the bitmapped image is converted into the structured objects representations of the bitmapped image through the use of an Alternative Graph” is disclosed supra for claim 1.

In the alternative in col. 3, lns. 33-37, whereby [two classes] yields “Alternative Graph” in combination with Official notice which is taken that the art is replete with graphs comprising classes.

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Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply editing scanned documents disclosed by Bagley in combination with graphs comprising classes disclosed by Official Notice, and motivated to combine the teachings because it would produce unordered and ordered collection of objects as revealed by Bagley in col. 2, ln. 66 – col. 3, ln. 6.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bagley, (EP 690415 A, a.k.a. U.S. Patent Number 5,734,761) as applied to claim 1 above, and further in view of Ohmori et al., (US Patent 6,678,397 B1).

A. Claim 6, “The method according to claim 1 wherein the step of converting the bitmapped image into structured object representations of the bitmapped image includes configuring the structured object representations to represent an electronic slide of the structured text/graphics editor” is disclosed supra for claim 1. However, Bagley does not appear to disclose “to represent an electronic slide”, but Ohmori does in col. 8, lns. 35-40.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply editing scanned documents disclosed by Bagley in combination with to represent an electronic slide of the structured text/graphics editor as disclosed by Ohmori,

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and motivated to combine the teachings because it would display as revealed by Ohmori in col. 8, lines 1-8.

B. Claim 7, "The method according to claim 1, wherein the converting step includes forming of an Alternative graph" is disclosed supra for claim 1. However, Bagley does not appear to disclose "forming of an Alternative graph", but Ohmori does in col. 12, lns. 1-12.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply editing scanned documents disclosed by Bagley in combination with forming of an Alternative graph as disclosed by Ohmori, and motivated to combine the teachings because it would show how converting progresses as revealed by Ohmori in col. 12, lines 8-12.

***Allowable Subject Matter***

8. Claims 8, 12 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Citation of Pertinent Prior Art***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

<u>U. S. Patent No.</u>	<u>Issued</u>	<u>Class</u>	<u>Applicant(s)</u>
US 5167016 A	November 24, 1992	395/144, 395/146 , 364/419	Bagley et al.



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***Responses***

10. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 308-6606 for informal or draft communications.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

When making claim amendments, the applicant is encouraged to consider the references in their entireties, including those portions that have not been cited by the examiner and their equivalents as they may most broadly and appropriately apply to any particular anticipated claim amendments.

***Inquiries***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Cunningham whose telephone number is (703) 308-6109.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached on (703) 308-6829.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9306 (for Technology Center 2600 only)**

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Technology Center 2600 Customer Service Office whose telephone  
number is (703) 306-0377.

*G.F. Cunningham*

gfc

June 10, 2004

*Matthew C. Bella*

MATTHEW C. BELLA  
SUPERVISORY PATENT EXAMINER  
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